

Notice of Allowability	Application No.	Applicant(s)	
	10/018,644	GUSTAFSSON ET AL.	
	Examiner	Art Unit	
	William H. Mayo III	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 19, 2003.
2. ☒ The allowed claim(s) is/are 1 and 3-9.
3. ☒ The drawings filed on December 18, 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. Claims 1 and 3-9 are allowed.
2. The following is an examiner's statement of reasons for allowance: This invention deals with an insulating composition for an electrical power cable which comprises a crosslinkable ethylene copolymer characterized in that the ethylene copolymer obtained by coordination catalyzed polymerization of ethylene and at least one alpha olefin in at least one stage, wherein said multimodal ethylene copolymer has a melting temperature of at most 125°C, a MWD of 3.5-8, such that the fraction of the copolymer eluted at a temperature higher than 90°C doesn't exceed 5% by weight (Claim 1). This invention also deals with an electrical power cable comprising an insulating layer wherein the insulating layer comprises a cross-linkable ethylene copolymer characterized in that the ethylene copolymer obtained by coordination catalyzed polymerization of ethylene and at least one alpha olefin in at least one stage, wherein said multimodal ethylene copolymer has a melting temperature of at most 125°C, a MWD of 3.5-8, such that the fraction of the copolymer eluted at a temperature higher than 90°C doesn't exceed 5% by weight (Claim 9). The above stated claim limitations, in combination with other claim limitations, is not taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed November 19, 2003 have been fully considered and they are persuasive. Specifically, the applicant's argument that Gross discloses on page 2, lines 28-30 that the polyethylenes of interest here are copolymers of ethylene and one or more alpha olefins which have a broad molecular weight distribution and therefore doesn't offer any teaching or suggestion to have a MWD of 3.5-8, and therefore doesn't recognize the benefit of having a more narrower range of 3.5-8, nor does it provide a teaching or motivation why one of ordinary skill in the art would want to modify the composition such that the fraction of the copolymer eluted at a temperature higher than 90°C doesn't exceed 5% by weight, and therefore absent a motivation, other than applicant's own disclosure, a proper prima facie case of obviousness has not been established, is persuasive and therefore claims 1 and 3-9 have been allowed.

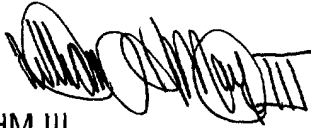
Communication

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to be "WHM III", written over a circular stamp.

WHM III
January 9, 2004